

## Part III - Responsiveness Summary

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### Transcript of Proposed Plan Public Meeting

PUBLIC HEARING  
ENVIRONMENTAL PROTECTION AGENCY  
LAVA CAP MINE SUPERFUND SITE  
PROPOSED CLEANUP PLAN

NEVADA COUNTY BOARD OF REALTORS  
336 CROWN POINT CIRCLE  
GRASS VALLEY, CALIFORNIA

THURSDAY, FEBRUARY 26, 2004  
6:30 P.M.

REPORTED BY:

MICHAEL MAC IVER, SHORTHAND REPORTER

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APPEARANCESENVIRONMENTAL PROTECTION AGENCY

Mr. Don Hodge

Mr. David Seter

CH2MHill

Mr. David Towell

Mr. Dave Bunte

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PROCEEDINGS

1  
2 MR. HODGE: I'm Don Hodge with the Environmental  
3 Protection Agency in our Office of Community Involvement,  
4 and I work in public participation processes like this one.  
5 That's my role here. I'm going to try to facilitate this  
6 meeting and make sure that your needs are met and that we  
7 provide you with what you're looking for tonight to the  
8 extent that we can, and we make sure that, and this is the  
9 main purpose of tonight's meeting, that we make sure that we  
10 are getting your ideas and your thoughts about what we're  
11 doing here.

12 So this is an official public hearing about a part  
13 of the Lava Cap Mine Superfund Site, and the purpose is for  
14 us to record your comments about the plan that we're  
15 proposing.

16 So again, I want to welcome all of you and I want  
17 to introduce, standing in the back here, Dave Seter, he's  
18 the project manager for the Lava Cap Mine Superfund Site for  
19 the EPA. And the plan for tonight is that Dave would like  
20 to present a basic sketch, a basic outline, of what we're  
21 doing for this part of the site just so that everyone here  
22 has the same basic pool of information. You may have also  
23 seen the proposed plan that we mailed out, if not, we have  
24 more on the back table in the lobby there.

25 And then after that, we'll open it up for your

1 comments. And if you have a question and we can clarify or  
2 answer a question briefly, we'll try to do that. If you  
3 have comments that we can't and we just have to take back to  
4 the office and think about it and work into our planning  
5 process, we may not be able to address everything tonight.

6 But, again, the main purpose is for us to hear  
7 from you to make sure that your thoughts are recorded. So  
8 we may not address every -- or we may not solve every issue,  
9 but if you have a question that we can't answer, we'll try  
10 to do that.

11 So I hope you've all signed in. If you haven't,  
12 if you could make a time sometime tonight to sign in, that  
13 way we will know who is here and we can make sure that  
14 you're on our mailing list. And, again, I appreciate you  
15 coming out tonight.

16 MR. SETER: Thank you. There are copies of the  
17 overhead in the back, so I don't know whether you all got a  
18 copy. If you didn't, certainly on the way out or if someone  
19 wants to raise your hand if you want a copy now, we can  
20 probably provide you one.

21 This is one of the series of meetings we've held  
22 and most of our other meetings have been describing what  
23 we've found at this particular site. The Lava Cap Mine is  
24 more than just a mine, there are other areas that are  
25 affected. Tonight, though, we're talking about the cleanup

1 of the mine itself. I did put up one of the poster boards,  
2 this is a document that's available in the library. I know  
3 it's not easy for everyone to see, but I would encourage  
4 everyone to take a look at the map, if you haven't done so  
5 already.

6 The mine area that we're talking about basically  
7 is when you come off Idaho-Maryland Road and come down Lava  
8 Cap Mine Road, you run straight into the mine area. And  
9 we're dealing with the area from that point to the  
10 intersection of Greenhorn Road with Little Clipper Creek.

11 Now, another part of the site extends down beyond  
12 the south of Greenhorn Road and we will be addressing that  
13 in a future meeting, but for tonight we're talking about the  
14 mine area in particular.

15 And we also have some photos. I know that most of  
16 you probably have never been to the site, and so it's just  
17 good to have a little visual as to what it looks like.  
18 That's probably a little clearer in the back. But I'll go  
19 over some of the history briefly.

20 Gold and silver mining started at the Lava Cap  
21 Mine around 1860 and initially it was on a very small scale.  
22 For a period of time starting in 1918 there was no mining.  
23 Then in 1934 the operation started up again in a much more  
24 intensive scale. And so it's during the period of time,  
25 1934 to 1943, when most of the ore was mined and crushed and

1 most of the gold and silver was extracted.

2 Now, the thing that happened was the native ore  
3 was very high in arsenic and so the milling process ground  
4 that material up to a very fine powder and the material was  
5 then passed through a floatation process to remove most of  
6 the gold and silver. The tailings, which was the remnants  
7 of the milling process, were then dumped into the adjacent  
8 ravine, which happened to be the Little Clipper Creek stream  
9 channel, and that's how this whole problem started.

10 During that same period, 1934 to 1943, a crude log  
11 dam was built at the very base of the area, and here I'll  
12 show you the remnants of that log dam. The log dam used to  
13 extend all the way across that area, and you can see some of  
14 the logs sticking up almost like match sticks. Well, that  
15 dam was built during that period of time to try to hold the  
16 tailings in place. It didn't entirely succeed. Even after  
17 mining ceased in 1943, the site still caused an impact. As  
18 early as 1979, the State of California issued a cleanup  
19 order to the owner of the mine, because this dam already  
20 started to leak some tailings.

21 And then in 1997, in January, there was a winter  
22 storm that caused all this damage, it knocked out that upper  
23 half of the log dam. Approximately 10,000 cubic yards of  
24 those tailings moved downstream further into the drainage,  
25 and so that's what created the problems to the south. And



1 not entirely though, because Lost Lake was originally built  
2 with the tailings and those of you who are curious to  
3 continue with the site, that will be the next part of our  
4 cleanup plan, how are we going to deal with that material  
5 down there.

6 EPA did do some emergency work to stabilize this  
7 material, but we determined that some additional work was  
8 necessary to keep it in place, and that's why we're here  
9 today. We've done a number of studies, and today we're  
10 telling you what our proposal is to clean up this part of  
11 the site.

12 As Don mentioned, we're looking for a few  
13 comments. Now, there is a number of ways you can comment.  
14 There's tonight's hearing, there is a written comment  
15 period, you can send your written comments. You can send an  
16 e-mail comments. We have our e-mail addresses on the fact  
17 sheet. There is even an 800 phone number you can call.

18 And I just wanted to emphasize, we're going to try  
19 to cover as many facts as we can tonight, but just because  
20 of how complex the process is, I probably won't be a hundred  
21 percent complete. That's why we have in the libraries an  
22 information repository where we have feasibility studies,  
23 where all this material comes from, and we also have what we  
24 call the Administrative Record for the site that has all the  
25 investigations that were done, it has some comments from

1 interested parties regarding the cleanup, a number of  
2 documents that might be of interest to you if you're trying  
3 to research the history and delve for yourself into some of  
4 these issues that I'm just going to cover very briefly,  
5 because I really only have a short period of time.

6 So in the handout, there is a timeline that I just  
7 went over, and you can certainly peruse that at your  
8 leisure.

9 I want to talk a little bit about how for the mine  
10 area we further divide up the site. Now, and this is  
11 because each one of these phases of cleanup are slightly  
12 different. There are some residences on site, there are  
13 four in total. One of them is probably going to have to be  
14 demolished as part of the cleanup, but the other three have  
15 some arsenic in the soil around the residences that is  
16 contaminated with arsenic.

17 The second category deals with where most of the  
18 processing and waste disposal occurs, so it talks about the  
19 mine building, the tailings, waste froth, which is the  
20 material, more of the overburden that didn't have the gold  
21 in it. That was discarded off to the side and wasn't  
22 actually put through the mill, so it's a larger fraction, a  
23 very large gravel. And then we have some surface water  
24 impacts that I will talk about.

25 Then the third phase talks about Little Clipper

1 Creek, from the base of that damaged log dam, you see, down  
2 to Greenhorn Road.

3 And, incidentally, as we're going along, if  
4 something isn't clear, again, feel free to just pipe in.  
5 I'm just going to try to go through the material.

6 Now, there's a diagram up to the right, to my  
7 right, of the podium that is similar to this, but I thought  
8 a picture is worth a thousand words. And so we'll kind of  
9 take a look at this as well, and it will describe to you a  
10 little more visually what we're talking about.

11 So we have the four residences that I'm talking  
12 about are here, here, here, and one of them is here. This  
13 is the one that's very close to the tailings and the waste  
14 rock area. This is the one that's probably going to have to  
15 be demolished.

16 The mine buildings I'm talking about are up here.  
17 You see mill building, the assay building, the cyanide  
18 building. The waste disposal area is this area here, here's  
19 the log dam that I've shown you before. This area, a little  
20 bit up gradient, is about five acres in size, it contains  
21 tailings, and that's about 50,000 cubic yards of material.  
22 And I did it on my calculator this afternoon, so 50,000  
23 cubic yards, I guess a football field is about 50 by 100,  
24 that would be about 30 feet high in tailings. So a football  
25 field 30 feet high would be about 50,000 cubic yards of

1 tailings.

2           Then this area back here there is a lot of waste  
3 rock, but in terms of area, that's a little bit larger area,  
4 it's about 5.9 acres, and I guess you could say about  
5 160,000 cubic yards of material up there.

6           Now, a little bit about surface water. This  
7 little blip here that says adit discharge. There was a  
8 horizontal opening to the mine that's known as an adit and  
9 that continues to drain water. It drains year round, so  
10 it's not even just a seasonal flow, there's a flow year  
11 round. The flow does increase in the winter. That's  
12 definitely contaminated with arsenic, so we need to collect  
13 that and treat it. At the base of the log dam, there's  
14 contaminated water coming out because the tailings  
15 themselves are saturated and they are releasing some arsenic  
16 over time.

17           Now, one of the other complications of this  
18 project, because we have to separate the clean from the  
19 dirty water, there is a lot of clean water that is just  
20 washing over these tailings. And one of the reasons this  
21 diversion was created back in 1997 was to try to eliminate  
22 some of the water that is washing over the tailings and  
23 keeping them saturated. So there's two aspects to the  
24 surface water, one is keeping the clean water clean and the  
25 other is collecting the dirty water for treatment.

1           Now, this graphic doesn't show the Little Clipper  
2 Creek portion, because it's really dwarfed in scale, but  
3 this particular poster board shows the area of the creek  
4 south of the dam, and this is Greenhorn Road. This is Tensy  
5 Lane. And this blue area is where we think the tailings  
6 have been deposited along Little Clipper Creek. I think we  
7 were saying that was about 2,000 cubic yards of tailings.  
8 It's a little bit -- yes, certainly considerably less  
9 material than is up at the mine, but still along this  
10 corridor.

11           Lost Lake is another mile south of Greenhorn Road.  
12 So this gives you a sense of how far the damaged gravel.

13           And on the back poster board you will see a list  
14 of technologies and cleanup options. We had to look at a  
15 number of technologies, but how do you deal with this  
16 material, how do you deal with the contaminated soil, how do  
17 you deal with the sediment, how do you deal with the water.  
18 There are a number of technologies you can use. The  
19 feasibility study goes into them in a lot of detail. And  
20 there are so many technologies we needed a way for figuring  
21 out what are you going to do at this site. And the process  
22 that's actually called out in their regulations is  
23 essentially this, you have a number of criteria we need to  
24 apply to sort of rank these alternatives relative to one  
25 another.

1           Now, in order for us to propose any cleanup  
2 alternative, it has to meet what are called those threshold  
3 criteria. So it has to be protected, you can't just propose  
4 something just for the heck of it and it's not protective  
5 and just walk away. It has to be protective and it has to  
6 comply with state and federal requirements. There is a  
7 whole series of regulations dealing with water quality, how  
8 you build a landfill, et cetera, that we're required to  
9 meet. Just because we're the federal government, doesn't  
10 mean we can ignore state law. We have to follow state law  
11 and regulations also.

12           Now, balancing criteria will become a little more  
13 clear as I go through some of the following slides, but  
14 those are really how do you compare. Well, you look at the  
15 costs and how effective they are, you look at the  
16 construction impacts while you're building them, those sorts  
17 of things.

18           So we're up to this part of the process now.  
19 These last two have to do with the meeting tonight and we  
20 have a 30-day comment period. Really, once we present what  
21 we think is a good idea, we're looking for state acceptance,  
22 we're looking for community acceptance. And so part of the  
23 process is we take comments, we're required to formally  
24 respond. So whether it's written comments or an oral  
25 comment you make tonight, we have to come out with a

1 response and say, yes, we agree, no, we disagree for this  
2 reason, et cetera. So those are what are called modifying  
3 criteria. So we could, you know, if we get enough comments  
4 to say, oh, you're doing the wrong thing, you should do  
5 something else, we don't have to go with this, we can go  
6 with something else.

7 Okay. Well, I think I will go into some of these  
8 matrixes which are a little complicated. But what I've  
9 tried to do is highlight the areas where we see differences.  
10 Now, this is in your handout. There is also a version of  
11 this in the original fact sheet that was mailed out. So you  
12 can refer to either one of those. But, again, we broke this  
13 down into three areas. The first one is talking about those  
14 residences I mentioned earlier.

15 You will see Alternative 1-3 and 1-4, you may say  
16 where is 1-1 and where is 1-2. We deliberately have left  
17 out, 1-1 is no action. Under Superfund, we're required to  
18 include no action as an alternative, leave things as they  
19 are. But if that's not protective, if we decide there's a  
20 risk to health, we can't do that. So that's been  
21 eliminated.

22 1-2 was institutional controls only, and  
23 institutional controls are land-use regulations. For  
24 example, if you did leave the material where it is now, you  
25 would tell the property owners along Clipper Creek, well,

1 you can't disturb that material, I mean you can't ever make  
2 use of that part of your property. Similarly to the  
3 residences at the mine, if we don't clean up the yards, we  
4 would have to tell people, oh, no planting gardens, no  
5 letting your kids play in the yard, no letting your dog run  
6 in the yard. So we eliminated that too because we don't  
7 think that's protective either.

8           So what we're left is typically what things can we  
9 do. We can either dig up the material or cover it up, and  
10 that's what you see here. And they are very similar, they  
11 both are a way to protect people using both these  
12 alternatives, but where we think the differences lie is if  
13 you dig up the material, it's more effective because you're  
14 just physically taking it away, you're taking it out of the  
15 yards, and you don't have to worry about telling people 50  
16 years from now you cannot let your kids play in the yard,  
17 you cannot let your dogs play in the yard, you can't plant  
18 vegetables.

19           The advantage to capping is less construction  
20 impact, it's easier to come in with large material and  
21 spread it around. You're not excavating the contaminated  
22 material, you have less issues with the material blowing  
23 around, so that's in it's favor.

24           But when you look at the overall implementability,  
25 which is almost a cash fall, but the excavation is more



1 implementable as a cleanup because we don't have to have  
2 these land-use restrictions. We don't have to rely on other  
3 people to implement the cleanup for us. Once we take up the  
4 material and put it away, things are pretty safe.

5 The costs, I wanted to explain. Some of you might  
6 know what present value means is. We're supposed to compare  
7 the cost of all these alternatives. So the 50-year present  
8 value would be how much money do you have to put in the bank  
9 today to build it and pay to maintain it for 50 years. So  
10 that's where we come up with the comparison. They're very  
11 close in costs, so apparently it wasn't a factor in our  
12 decision making.

13 But, again, as I will get to later, among these of  
14 our preferences were one for excavating material.

15 I'm going to skip directly to Little Clipper  
16 Creek, because that's a little less complicated too. It's a  
17 similar situation. What we have done is we've said we're  
18 not going to choose no action, we're not going to choose  
19 these land-use restrictions, we need to do something  
20 physical. And, again, it's the same two options, do you cap  
21 the material and put a clean layer over it or do you dig it  
22 up. And, again, it's a very similar argument. Taking it  
23 away is more effective in the long term, because, again,  
24 you're taking it away from the people's yards and the stream  
25 channel. It's a little more disruptive in the short term,

1 although I have to say in this case when you're capping the  
2 material, you also have to do some flood control which is a  
3 little bit invasive, so it's probably a less natural-looking  
4 channel.

5 And, again, we just think that the Alternative 3-4  
6 is more implementable. It's also cheaper. Now, there is an  
7 error in the fact sheet, the fact sheet says capping the  
8 material is cheaper, but that's not the case. Excavating is  
9 cheaper because this other half million comes from flood  
10 control. It's a little more expensive to try to control the  
11 floods than it is to dig up the material and take it away.

12 MR. HAUSSLER: So would there be any  
13 channelization if you excavated the stuff out of there.

14 MR. SETER: You know, we would probably have to do  
15 some regrading and reshaping, just because if you take out  
16 more material from one part, then now you have a big hole.  
17 So to make the creek flow, you would probably have to do  
18 some reshaping. But it would be more natural in appearance  
19 than if you had to build a flood control channel, for  
20 example.

21 Okay. Now we get to the more expensive part,  
22 which is dealing with that big body where we're dealing with  
23 the mine buildings and the waste material. And, again,  
24 you'll see, if you look at the proposed plan, again, you'll  
25 see a number of alternatives. You will see four, and you

1 only see two up here. And I'm going to go through those  
2 rationale a little bit. Again, we're not doing no action  
3 and we're not doing these land-use controls.

4 We also have included in our analysis Alternative  
5 2-6, which is digging all the material up, hauling it off to  
6 some other landfill. We're saying that is basically  
7 unimplementable because other sites where we have tried to  
8 do that, you have another community that wants to know why  
9 are you sending your waste into our community. It almost  
10 never works, there is always political issues involved with  
11 that, and it's very difficult to implement. It's also,  
12 again, 50,000 cubic yards of tailings, if you use a 20 cubic  
13 yard dump truck, that's 2,500 truckloads. A lot of material  
14 has to go out either on Tensy Lane, Greenhorn Road, it has  
15 to go somewhere. That's a lot of truckloads to haul through  
16 the neighborhood.

17 We haven't talked about the 2-4 option here  
18 because that involves solidifying part of the waste, and we  
19 don't really think it's that different. If you don't  
20 solidify the waste, you have to build a slightly larger  
21 containment structure or buttress, and I didn't include it  
22 for further analysis because it's so similar to the other  
23 two we're talking about here.

24 So anyway, without further ado, the ones that we  
25 really considered the most seriously were these

1 Alternatives, 2-3 and 2-5. And the basic difference is that  
2 Alternative 2-3 caps the tailings in place where they are.  
3 Alternative 2-5 digs them up, creates a new landfill cell on  
4 the property, most likely in the area where the mine  
5 buildings are located.

6 They both have the same options for treating  
7 water, for diverting the clean surface water, collecting and  
8 treating the dirty water. So they both have that in common.  
9 And, again, we think they are both protective. We think  
10 they both comply with state and federal law, we think  
11 they're both effective.

12 The one potential difference is the new disposal  
13 cell has an underliner, so it has a lower liner, you put the  
14 tailings on top of it, it has an upper liner. The lower  
15 liner is intended to keep water from seeping through the  
16 tailings into the ground. The upper liner is intended to  
17 keep rainwater from coming into the material. If you cap  
18 the material in place, there's no way of putting an  
19 underliner. So there's still some water that might seep  
20 into the ground, seep down towards the log dam. And, again,  
21 there's an issue with short-term effectiveness. Short-term  
22 effectiveness again means construction impacts, that's  
23 probably an easier way to say it.

24 To dig up 50,000 cubic yards of material and move  
25 it to another part of the site, first of all, it's very

1 saturated, you have to go through what's called a dewatering  
2 process. Dewatering takes time. Also when the material is  
3 dry, it's very much like baking flour, if you step in the  
4 material, it becomes airborne very easily. Our concerns are  
5 having that amount of material, you might create some  
6 airborne dispersion. It's also a little more difficult in  
7 terms of the engineering to dig out that stream channel. As  
8 you saw in the photo of the log dam, you have to remove all  
9 of that material. The natural stream channel is much deeper  
10 and much more deeper in a V shape.

11           So we think capping in place is more  
12 implementable. It's slightly cheaper, when you look at the  
13 capital costs, which is the capital costs of actually  
14 building the thing. Let me see, I have the figures here,  
15 let me put that up. Okay, so to cap the tailings in place,  
16 what we're also going to do is replace that crumbled log dam  
17 with a rock buttress, which is a big, big pile of rocks.  
18 I'll show you a drawing of that in a minute. Without the  
19 water treatment, it costs \$4.5 million, and then to excavate  
20 the material to create a new cell, it costs 7.5 million to  
21 construct.

22           So the construction costs are much higher to build  
23 a new cell. As you cost it out over 50 years, the cost  
24 would come closer, and that's mainly because you still have  
25 to treat the water under both of those options, and the

1 costs just become very similar as you go out 50 years.

2 So I'm going to put up a graph. And this is what  
3 kind of explains again in visual terms of what I'm saying.

4 AUDIENCE MEMBER: So that's water treatment in  
5 perpetuity is what you're talking about?

6 MR. SETER: Water treatment as long as -- yes, as  
7 long as the water has arsenic in it, which is for the  
8 foreseeable future. You would have to say, yes.

9 Let's see, so depending on how much water you need  
10 to treat, now this is something else I can go into, if  
11 anybody is interested, but the range would be about 64,000  
12 to 110,000 a year to treat the water.

13 Now that figure is based on a conventional  
14 treatment process, which means a coagulation/filtration  
15 process. You would have to add a ferric chloride coagulant,  
16 and what that does is it causes the arsenic to agglomerate,  
17 it causes it to come into larger masses and settle out.  
18 It's a little bit energy intensive, it's material intensive,  
19 because you have to add the ferric chloride, you generate  
20 the sludge that you have to dispose of.

21 What we would like to consider is some innovative  
22 technologies. And if you can reduce the amount of water you  
23 have to treat, you might get by with technology. There is a  
24 zero-valiance iron, for example, that would work much like a  
25 filtration system. The water goes through the filter, all

1 the chemical reactions happen in the filter bed itself, you  
2 don't need coagulant, that would be much cheaper. But we  
3 really, until we can go out there and do a pilot study and  
4 test that kind of technology, we have to cost out what's the  
5 most conventional. So we're hoping that some money can be  
6 saved if we get a little creative.

7           So, again, this is a figure of what the cleanup  
8 would look like as we're proposing it now. Now, this area  
9 here where the tailings are located, that would have the  
10 cap, that would be the cap in place. This area where  
11 roughly the log dam used to be would be a rock buttress, and  
12 I'm going to show you a diagram of that. In fact, I'll show  
13 it up here, I'll put it up here. And, again, there is a  
14 drawing of this in the fact sheet, but that's the drawing at  
15 the bottom of what a rock buttress would look like. It  
16 would be fairly large in size, it would be much wider than  
17 the log dam mass. It would have, and I think this is an  
18 opportunity to talk about the cap a little bit too.

19           The cap that we're proposing would have the  
20 tailings, it would have a sand layer, it would have what's  
21 called a high-density polyethylene membrane, which is a form  
22 of plastic. It's a membrane that's typically used as a  
23 water barrier. There would be a soil cover on top of that  
24 high-density polyethylene barrier. And then there would be  
25 vegetation on top of the soil.

1 But more to the point of the buttress, there would  
2 be this sand section which would collect any leachate that  
3 was generated through the tailings. So leachate being water  
4 that is dropping out of the tailings, whether it comes in  
5 from rainfall or if it's water that's currently in the  
6 tailings that wants to come out due to gravity. So that's  
7 what a buttress would look like roughly, and that would be  
8 again in this location.

9 This other circled area up here is where the waste  
10 rock is currently. I didn't talk a lot about the waste  
11 rock. But the waste rock isn't really a threat like the  
12 tailings are, it's very large material. But it needs to be  
13 shaped to shed the rainwater, it needs to be capped, because  
14 there probably are some fine materials interspersed with the  
15 rock, and we just want to try to keep it all in place, if  
16 possible. So this area would be recontured, we would have  
17 the soil cover, and it again would have vegetation growing  
18 on top of it.

19 The two points where we would be collecting water  
20 for treatment are down here at the buttress. I showed you  
21 this sand drain where water would be collected. And then at  
22 the head, which is right here, and here's our treatment  
23 plant.

24 And we don't show the residences or the creek,  
25 that's pretty simple, just digging up the material and



1 putting in clean fill, that's fairly obvious.

2 I also will show you on the overhead. We talked  
3 about the buttress a little bit, but I also wanted to talk a  
4 little bit about Little Clipper Creek. And so in order to  
5 keep the creek from pouring over the tailings like it used  
6 to do once upon a time, we have to build a flood control  
7 channel, and that would be located over here. Let's see,  
8 these are a little hard for everybody to see, I think.

9 But the creek currently comes down on the east  
10 side of the tailings, and we want to keep it there, but the  
11 current flood control structure isn't big enough. So this  
12 would have to be big enough to accommodate a hundred-year  
13 flood event. In comparison, the event that washed out that  
14 log dam back in 1997 was probably only what a 20-year, about  
15 a 20-year frequency storm. So we need to build something  
16 much larger than what damaged the log dam before.

17 And this is basically what it would look like. It  
18 would not be very natural in appearance, but would do that  
19 job. It's much larger than what the creek looks like now,  
20 it would just be obvious that it's a flood diversion  
21 channel. But, again, this would only go the length of the  
22 mine property. By the time the creek catches the area below  
23 the dam, that would no longer be necessary because we're  
24 taking out those tailings.

25 Okay. And, again, this is in the feasibility

1 study, for those of you who are really interested in delving  
2 into it.

3 Now, this is a view of what would be a new cell,  
4 if you constructed a new landfill cell on the site. It's  
5 showing a lower liner, it's showing an upper liner. This  
6 one is known as a ATP Geomembrane. The one where we kept  
7 the tailings in place would be missing this underliner. It  
8 also would not have this lower leak detection system,  
9 because we would only be collecting the leachate from the  
10 tailings. So there are some differences between the two  
11 types of landfill.

12 MR. DYER: What's the life expectancy of the  
13 underlying membrane?

14 MS. SETER: At least a hundred years, I believe.  
15 I'm looking, I have some of my consultants in the audience  
16 here too. I believe -- if you talk to the manufacturers,  
17 they say more than a hundred years, but obviously the  
18 materials haven't been around for a hundred years.

19 These are obviously issues and these are things  
20 everybody would want to consider. And in each of these  
21 examples there's a membrane, so you have to consider that  
22 equally for the two alternatives.

23 There are maintenance costs associated with many  
24 of these landfill cells. So they do have to be periodically  
25 repaired, monitored. So we're not saying you can walk away

1 from it today, there's an intent to put a plan in place to  
2 monitor the situation.

3 AUDIENCE MEMBER: Could the cost of the  
4 maintenance be included in your costs?

5 MR. SETER: Yes, they are. And I don't know how  
6 many of you have access to the materials in the library, but  
7 there is a cost table, and you are certainly welcome to come  
8 up and look at it after the presentation. But what we have,  
9 let me see, for operation, annual operation and maintenance  
10 costs about 67,000 dollars annually. And again, that  
11 wouldn't necessarily be all in one year, it would average  
12 out. So in one year you might need to do more work than  
13 another year. So the thing is averaging out over 50 years,  
14 you don't need to replace material every year, but some time  
15 during that 50 years you might need to do some repairs.

16 I'm sorry, a question.

17 AUDIENCE MEMBER: My understanding is that the EPA  
18 passes off the responsibility for monitoring and so forth to  
19 the state at some point. What sort of legal document to you  
20 draw up with them to make it enforceable.

21 MR. SETER: There is an arrangement that is part  
22 of our operating regulations and we have operating  
23 regulations, and again, it's kind of an unwieldy name, but  
24 it's called the National Contingency Plan, NCP regulations.  
25 It says that after a cleanup is called operational and

1 functional, once everybody has looked at it and says it's  
2 working, the state takes over what's called operation and  
3 maintenance. So they would then start assuming those costs.

4 Now, that's what the regulations say, it doesn't  
5 just happen automatically. The EPA and the state have to  
6 enter into a legal agreement that is called the State  
7 Superfund Contract, where some of it is negotiable, some of  
8 it is less negotiable, but we basically agree EPA is going  
9 to spend this much on construction, this is when the state  
10 takes over, this is how much the state recognizes they have  
11 to pay.

12 Typically we get a much better handle on the cost  
13 once we've done a more detailed design. What you will see  
14 in the feasibility study is a conceptual design, and so  
15 we'll have a much better handle on costs once we do the  
16 final design. But that is an issue for the state and  
17 we're -- one of the modifying criterias is state acceptance,  
18 and that's one of the things the state needs to consider is  
19 how much is this going to cost in the long run to operate.

20 AUDIENCE MEMBER: Do they ever refuse?

21 MR. SETER: I don't know of any case where they've  
22 refused. There have been some difficult negotiations.  
23 Because everybody wants the cleanup to happen. The thing is  
24 these materials, you can't just leave them in their current  
25 condition, another 20-year storm or 30-year storm or 40-year

1 storm will come along and wash the tailings further down.  
2 So something has to be done. So we generally are able to  
3 negotiate something, and again, that is one of the reasons  
4 state acceptance is one of our modifying criteria. If they  
5 think something is cheaper or better, they're going to tell  
6 us that.

7 AUDIENCE MEMBER: But so then in like year 10, the  
8 EPA could actually say you're not doing this and sue the  
9 state or how does that work.

10 MR. SETER: No, we wouldn't sue. I don't know  
11 what, reopen -- there is typically reopen areas in these  
12 contracts if something isn't going according to plan, we  
13 have to discuss. If something wasn't being done properly  
14 and it was creating a hazard, we probably would end up doing  
15 an emergency response. EPA probably would go ahead and  
16 spend the money to correct the situation. So fortunately I  
17 don't know of any situations like that where that has  
18 happened, but there are mechanisms, there are a lot of ways  
19 that we can address new contamination or something, if  
20 something happens that the state can't control, we would be  
21 on the hook to still do that. We can't totally walk away  
22 from it.

23 Yes.

24 MR. TAYLOR: We had this meeting a year ago and we  
25 had a lot of different options and costs and stuff, and sort

1 of at the end of the meeting, it was, you know, we had all  
2 these great sort of plans, but there was no money. Now,  
3 we're coming back here, and where did you get the money? I  
4 mean you have the money to fund this project?

5 MR. SETER: We don't have the money yet. We  
6 actually don't get in line for money until we've completed  
7 our design. So there are a number of other sites that are  
8 going into construction like us, we have to get in line and  
9 ask for money, and then, if there's not enough money to go  
10 around, someone back in Washington has to make a decision  
11 who gets the money and who doesn't. And I don't know that  
12 we've reached that situation yet. I think this year it will  
13 be interesting to see because the budget is tight. It will  
14 be interesting to see this year if sites that are asking for  
15 money get it or not. We probably wouldn't be in  
16 construction here until a year from now. So there is a  
17 little bit of window, but it's just hard to say right now.

18 Which basically brings me to the next step, and  
19 I'm drawing my part of the presentation to a close here, and  
20 then we'll take some public comment. But this is where  
21 we're at. So I've tried to in a condensed version give you  
22 what we're proposing to do and, again, there are many other  
23 ways to read about that.

24 And the 30-day public comment period is officially  
25 open. There are a number of ways to submit those comments

1 as I've discussed before. Once the comment period is over,  
2 we need to present the written documents where we ask for  
3 everybody's question and make that available so everybody  
4 knows why we did in the end, the final decision.

5 So this is a proposal. Once we finalize our  
6 decision, we have to write another document that says, okay,  
7 this is what we've chose, this is why we've chose it. And  
8 we should get that done by this summer. Design, remedial  
9 design, it could take six months, depending on some of the  
10 administrative steps, it could take longer. But what we're  
11 hoping is that next construction season we're building out  
12 at the site, that's our intention.

13 AUDIENCE MEMBER: What's the situation with the  
14 groundwater contamination, the test wells, is there any  
15 conclusive results?

16 MR. SETER: There are. We have a separate  
17 groundwater study that we've just started. As we were  
18 conducting the investigation for the mine area and down at  
19 Lost Lake, we started to realize that there's some wells  
20 that had arsenic in them. It looked like they were higher  
21 than what you would normally expect. You would expect to  
22 find some arsenic in wells, just because it's naturally  
23 occurring, but it's occurring at a slightly higher level  
24 than we would expect.

25 So we really didn't have the resources in this

1 part of the study to really cover that, so we have started  
2 an entirely new groundwater investigation where we're going  
3 to look for well records, look at where the wells are  
4 located and how deep they are, what formations they're in,  
5 and what the water flow might be from the mine and other  
6 areas. So it's a little bit more involved than we could  
7 cover under this part of the investigation. And we  
8 recognize it's important, because people do use individual  
9 wells for water supply, it is important.

10 It seems that the trends in the wells that we have  
11 been monitoring, it doesn't seem like levels are increasing,  
12 so don't feel like the situation is out of control, but it  
13 is something we do want to study and see if something needs  
14 to be done. And I would say that study will probably take  
15 18 months to complete, again depending on funding. We do  
16 have some funding for that. So it is a good point, that's  
17 something that always comes up at these meetings. We do  
18 want to look at the groundwater.

19 I'm sorry, Don has --

20 MR. HODGE: If you're about done with your  
21 presentation, then before we open it up to comments, I just  
22 wanted to make a couple of procedural points here. So is  
23 this a good time to do that, you think?

24 MR. SETER: I think so, yes.

25 MR. HODGE: This is, as I was saying earlier, this



1 is a public hearing for all of you. And before we start  
2 taking a lot more questions, I just wanted to make the point  
3 that this is being recorded, there will be an official  
4 transcript of this entire meeting. So when you ask your  
5 questions or make your comments, if you could please state  
6 your name for the record for our court reporter, it would  
7 help him a lot, and probably your address would be helpful  
8 also, okay.

9 So I think we can go ahead and open it up. If you  
10 could just give me a show of hands, how many people have a  
11 question or a comment at this point they want to make?

12 How about we work from my right to my left, does  
13 that work?

14 Okay, so starting over here. Do you want to go  
15 first?

16 MR. GRANT: Yes. Jerry Grant is my name, at 13105  
17 Alder Point, around Lost Lake.

18 I have two questions. What was the purpose of  
19 limiting the project to Greenhorn, was it just simply a  
20 matter of money?

21 And my second one is, obviously this is still  
22 connected to the Superfund Trust Fund, I assume, which, as  
23 far as I'm concerned, is broke. I was under the impression  
24 that in 2000, a hundred million was left in that trust fund,  
25 because in 1995, there was 3.5 billion in that trust fund,

1 and then our current administration kind of rescinded the,  
2 rule which funded that, which the chemical companies fund  
3 the trust fund.

4 So my question is, as far as I know, there's no  
5 money in the trust fund, and secondly, why has this plan had  
6 to be stopped at Lost Lake at this point?

7 I have a third question too. Are you monitoring  
8 the water in the streams and in Lost Lake and down all the  
9 way to Rollins Reservoir, have you actually tested the water  
10 recently?

11 MR. SETER: Okay. Well, the first question deals  
12 with Lost Lake and why are we stopping at Greenhorn. We are  
13 phasing this construction project, mainly because it's  
14 easier to figure out what's happening at the mine. We did  
15 have a public session, we talked about Lost Lake last year,  
16 we talked about a range of options, if we were going to  
17 clean this up, how would you do it.

18 It's a little more complicated, there's more  
19 property owners, people own a wedge of the lake pretty much  
20 like the slices of a pie. So it's just been pushed back,  
21 we're dealing with this part first further upstream. If we  
22 don't keep the material up at the mine and it keeps flowing  
23 down to the lake, it doesn't matter what we do at the lake,  
24 because more material is just going to keep flowing up on  
25 top of what's there already. So we don't intend to forget

1 about Lost Lake, it's just it's trailing behind a little  
2 bit. We're probably a year behind for that part of the  
3 site. So we haven't forgotten about it.

4 I think the second question, Don --

5 MR. HODGE: About the trust fund. You're right,  
6 the Superfund, as it's called, the trust fund that our  
7 program uses for cleaning up sites that are on the National  
8 Priorities List, was funded by a tax on certain industries,  
9 and that tax expired in 1995 and hasn't ever been reinstated  
10 by Congress or in the administration since then. That  
11 doesn't mean that we don't have the money to do cleanups, it  
12 just means that the money for cleanups has to be  
13 appropriated out of the general fund, like the money for  
14 every other federal program. We no longer have this  
15 separate pot, or if we do, it's just filled up every year  
16 out of the appropriations process. And so far, at least in  
17 Region 9, there has always been enough money to construct  
18 the projects that we are ready to go on each year. Whether  
19 that will always be the case in the future, we'll just have  
20 to see.

21 MR. SETER: I'm sorry, on the third part of that,  
22 could you repeat it, I'm sorry?

23 MR. GRANT: The third part of it was what was the  
24 last monitoring of water from Clipper Creek and Lost Lake  
25 and down through Greenhorn?

1 MR. SETER: For us that would have been November  
2 or December. I don't know if we have the data back from  
3 that yet. And actually, I would have to defer, if you guys  
4 know, I have my contractor in the audience. I don't know if  
5 you have that information off the top of your head or not.

6 MR. TOWELL: The water has been sampled quarterly,  
7 that surface water, on down to the end of Little Clipper  
8 Creek and Lost Lake and then on down into Little Greenhorn  
9 Creek. And are you asking specifically the concentration?

10 MR. GRANT: Yes. How can we get information on  
11 the concentrations?

12 MR. TOWELL: The contact information is in the  
13 fact sheet, you can send an e-mail to Dave asking the  
14 question, and he will send you back a table in the mail or  
15 e-mail. But we do monitor pretty much quarterly at several  
16 locations along the Clipper Creek drainage.

17 MR. LEE: We also issue periodic data reports  
18 which are more elaborate. Fred Lee.

19 MR. HODGE: Let's see, who had their hand up?

20 MS. JONES: My name is Sharon Jones and I'm from  
21 TAG Committee. I'm wondering what happens after 50 years?

22 MR. SETER: Well, 50 years is used for comparison  
23 purposes only. We have to pick some timeframe to cost stuff  
24 out. And as you get out a hundred years, two hundred years,  
25 three hundred years, it's just the nature of present value

1 calculations, the numbers don't change that much. So 50  
2 years, we use specifically at the request of the state. We  
3 often do 30-year present value, and the state said, we'll,  
4 if we're taking over on that so soon, why don't you cost  
5 that at 50 years, that's where we list the projection of  
6 long-term cost. So that's why we did it that way. Now, it  
7 doesn't necessarily mean that's the end of the costs or  
8 that's the exact number that the project will end up  
9 costing, it's a projection where we're comparing different  
10 alternatives, just the relative factor to the cost.

11 MS. JONES: So it's only for cost comparison  
12 purposes, but you intend to monitor this after 50 years?  
13 The state should have some funding for that?

14 MR. SETER: Correct. And that would be part of  
15 our arrangement. In the State/Superfund contract, we decide  
16 whose responsibility is going in which direction.

17 Am I allowed to add information, because I think I  
18 wanted to mention five-year due process. So we're required  
19 five years after construction begins to take a second look,  
20 look at is this remedy working, is the monitoring being  
21 done, are there new technologies that can save us some  
22 money. And it's something that we're required to do, and I  
23 know it's really hard to look out 50 to a hundred years,  
24 what's going to happen, but we have that five-year review.

25 MR. HODGE: Let's see, I already started working

1 this way. Let me go back here, but you're next in line.  
2 But I promise I'll get to you.

3 MR. HATCHER: My name is Charlie Hatcher and I  
4 live at 1370 Raccoon Mountain Road. So south of Greenhorn  
5 on a piece of property that has Little Clipper Creek running  
6 right through it, which I just bought four months ago and  
7 this is the first I've ever heard of this.

8 So I guess my questions would be first about  
9 disclosure, but you wouldn't be the right person to ask  
10 about that. I guess I'll talk to my realtor and the  
11 previous owner about that.

12 But my main question is about health risks  
13 involving groundwater and then also involving the creek, I  
14 mean there are brown trout in the creek, obviously I  
15 probably shouldn't go fishing in it, but where does the  
16 levels in the wells in that area, you know, should I be  
17 drinking the well water? And I guess the basic questions  
18 because I'm just being introduced to this at this time.

19 MR. SETER: Well, around Lost Lake we've been very  
20 fortunate. In our well sampling program, most of the wells  
21 have no detectable arsenic. Now, when you go to the  
22 laboratory, there are levels that they get down to and  
23 whether it's any amount lower than that is hard to say, but  
24 those are at levels that are considered safe. There are a  
25 couple wells that have had low levels, but we consider the

1 water down there, the groundwater is safe, based on our  
2 criteria.

3 Now, with respect to fish consumption, we have  
4 some statistics in our earlier studies, and I just haven't  
5 committed them to memory, but in general we are discouraging  
6 recreational use of -- there are precautions that can be  
7 taken. But I would encourage you to send me a reminder, I  
8 can get you some more detailed information than I have  
9 described from memory, if that's okay.

10 MR. TOWELL: We wouldn't recommend eating the  
11 fish. The creek is better, I mean we did sampling of those  
12 during the remedial investigation and the concentrations in  
13 the creek were not as high as in the lake, but there is  
14 arsenic in the creek.

15 MR. HATCHER: That was more or less in jest. But  
16 what I was thinking was more of animals playing in the  
17 creek, children playing in the creek, and where do you draw  
18 the line on getting involved in the creek?

19 MR. SETER: We don't recommend that it be used for  
20 any recreation at this point, and until it's cleaned up  
21 really, we just don't think it's safe for people. And  
22 that's not to say, again, there's always ranges of risks,  
23 but in order to be protected, we just don't think people  
24 should be near it.

25 MR. HATCHER: Pets also?

1           MR. SETER: There haven't been extensive pet  
2 toxicological studies, so I will often ask people for this  
3 information, and there seems to be a lot of information,  
4 dogs, for example, being exposed to this. There isn't much  
5 information available, but again, I would just use caution,  
6 I don't have any specifics. Again, we can try to follow up  
7 and if we have other information, this is simply what I know  
8 at this point.

9           MR. TOWELL: The tailings around the lake and if  
10 there are any in that part of the creek are more of a hazard  
11 than the water itself, but just in general, people and pets  
12 should avoid recreational use of that, limit it as much as  
13 you can.

14          MR. HATCHER: So no wells in the area have been  
15 closed to date?

16          MR. SETER: Correct.

17          MR. TOWELL: If you let me know after this which  
18 parcel you bought, we may have sampled that well, because we  
19 sampled many of the wells along Little Clipper and Lost  
20 Lake.

21          MR. HODGE: It's getting to be impossible to  
22 record this, because we're starting to get a general  
23 conversation going and there's a lot of people. So we're  
24 trying to keep it a little bit organized so we can get a  
25 good transcript.



1           What's the question?

2           MS. JONES: My name is Sharon Jones, I'm with the  
3 TAG Committee. And I just wanted to respond to the issue  
4 about not being notified about this by a realty agent. I've  
5 heard of other people who said the same thing and I've  
6 talked about -- but I'll call the Board of Realtors tomorrow  
7 and talk to them about it, and point out to them that their  
8 risking lawsuits if they don't start notifying potential  
9 buyers.

10          MR. HATCHER: Thanks.

11          MS. JONES: If I were you, I would talk to your  
12 real estate agent.

13          MR. HATCHER: I think I might wait awhile.

14          MS. JONES: More than one phone call.

15          MR. HODGE: Did I get all the hands on this side?

16          MR. WEAVER: I was a little late so I'm trying to  
17 get up to speed. On page 5 of this brochure, it says the  
18 mine water adit discharge is 910 micrograms per liter of  
19 arsenic, and on the other page, the cleanup levels of the  
20 preliminary remediation goals says you're going to shoot for  
21 a 10 micrograms per liter.

22          MR. HODGE: I'm sorry, could you give us your  
23 name?

24          MR. WEAVER: My name is Rick Weaver, I live in  
25 Nevada City.

1 But anyway, we've got 900 parts per billion  
2 discharge, you know, of arsenic discharged from the adit,  
3 and it says here that the goal, the cleanup goal, is 10  
4 parts per billion which is I guess for the base plan, that's  
5 the MCL for drinking water, and I was just wondering, I  
6 don't see anywhere in any of these alternatives where you  
7 talk about cleaning the discharge from the adit. Maybe I  
8 missed that, maybe you covered it.

9 MR. SETER: Yes, we mentioned it. It's not called  
10 out in as much detail in this document, but we do need to  
11 treat the water. We do need to treat the water that comes  
12 out of the adit and also as it comes out at the base of the  
13 log dam. So those are the two locations where we need to  
14 collect the water to treat it. To our knowledge, all of the  
15 other flows in the area are clean. And so we're going to go  
16 through a testing program to show that, but that water will  
17 have to be tested and will have to meet that 10 part per  
18 billion standard.

19 MR. WEAVER: You don't see a problem about doing  
20 that?

21 MR. SETER: 910 is on the high end. We don't  
22 believe that will be consistent. We believe that we will  
23 have a lesser amount in the creek, but conventional  
24 technology can certainly do that, can certainly get down to  
25 that.

1 MR. WEAVER: But I'm just wondering why you don't  
2 have it listed in one of your alternatives, or did I miss it  
3 in the beginning?

4 MR. SETER: Well, it's in the material on page 9.  
5 On page 9 we mention in the description to treat surface  
6 water flows. Now, it doesn't specifically say the adit, it  
7 doesn't specifically say the log dam, and so I tried to  
8 cover that a little bit in my presentation. But, yes, those  
9 are the two locations where we would treat the water.

10 MR. WEAVER: Thanks. I was a little late, so I  
11 missed that.

12 MR. BUNTE: I have just one additional point on  
13 that. I'm Dave Bunte. It's on all alternatives for the  
14 mine area, so that's a consistency throughout all the  
15 alternatives. So in terms of the plan we decide ultimately  
16 to go with, it's on all the alternatives.

17 MR. HODGE: As we work over this way, I think,  
18 Will, you were next, and then Fred you had a comment, and  
19 then we'll get to you and your comments.

20 MR. DOLEMAN: Okay. My name is Will Doleman, and  
21 my mom lives on Greenhorn Lane, and I'm also a member of  
22 ACTWS, it's a call for a long standing monitoring for a  
23 research group and we will arrange the water monitoring and  
24 research on water throughout the project area.

25 So anyway, I have just a few questions. One is

1 about the adit. Here in the document on page 4 about the  
2 adit, and about the highest levels of arsenic that were  
3 found anywhere were found at the adit in the sludge  
4 material. And I wanted to ask some questions about that  
5 sludge material. Now, you have been down to the Lost Lake  
6 Dam down below there where I made my video, you know, that  
7 orange sludge material, is that identical to the sludge  
8 material at the adit?

9 MR. SETER: I was not the person taking the  
10 samples, so I could not physically describe the two.

11 MR. TOWELL: What you're referring to, the sludge  
12 sample, that was sediment soil?

13 MR. DOLEMAN: Right, the sediment..

14 MR. TOWELL: The sample at the adit is a high  
15 concentration and was the soil sediment, not the orange  
16 material that you pointed out at the base of the log dam.

17 MR. DOLEMAN: But there's brown stuff down there  
18 as well.

19 Now, they talk about it as being very dangerous  
20 and being about 35 milligrams per liter, we've found in our  
21 own research in the sediment material at the base of the  
22 Lost Lake Dam. So what I wanted to know was what were the  
23 levels at the base, at the leak there, in the sediment  
24 material there, what was found there?

25 MR. TOWELL: At the base of Lost Lake --

1 MR. DOLEMAN: Lost Lake Dam, the material, the,  
2 sediments that are down there in the channel. And I heard  
3 that they were high, but I never did get a number.

4 MR. TOWELL: I don't recall. I can look it up, we  
5 have the report here, and I can look it up and let you know  
6 later, but I don't know off the top of my head.

7 MR. DOLEMAN: Well, I would kind of like to know  
8 that and I guess the stuff at the adit was very water  
9 soluble, the way they talked about it being very dangerous?  
10 I guess that would be because it was very water soluble from  
11 the adit, the gelatinous-type material?

12 MR. TOWELL: I'm not sure what the question is.  
13 I'm not sure the term very dangerous was used.

14 MR. DOLEMAN: Well, that's what it says on page 4.

15 MR. TOWELL: We don't specifically talk about the  
16 danger, those are very high arsenic concentrations that are  
17 well above any of the risk base numbers, but as far as  
18 specific properties of that material, I guess I don't know  
19 really what sort of response you want.

20 MR. DOLEMAN: Right. Well, in some samples they  
21 do water -- they do 12 milligrams per liter and there are  
22 other kinds of tests that they may do to determine water  
23 solubility?

24 MR. TOWELL: Correct. This is the soil solids.

25 MR. DOLEMAN: Oh. So you didn't do a test for

1 water solubility?

2 MR. TOWELL: Correct.

3 MR. DOLEMAN: All right. And then the other  
4 question I had was on the well test that you're doing. Is  
5 that at the well head before any filtration has taken place?

6 MR. TOWELL: Yes.

7 MR. DOLEMAN: Okay. And then across the board on  
8 arsenic now, is it both organic and inorganic arsenic, what  
9 mostly are you finding and what percentages? Those results  
10 were totaled, I assume.

11 MR. BUNTE: Right. I think it was in the  
12 groundwater and surface water, it's the inorganic and  
13 organic.

14 MR. DOLEMAN: Well, you test for both, right?

15 MR. BUNTE: We do it for total arsenic.

16 MR. DOLEMAN: Oh, okay. So the total is you do  
17 both and then you add them together?

18 MR. BUNTE: No, the total is that would impact  
19 arsenic in any form.

20 MR. DOLEMAN: So it's organic and inorganic?

21 MR. BUNTE: Correct.

22 MR. DOLEMAN: Okay. Now the other thing was, you  
23 know, if you do a partial cleanup now, it seems to me like  
24 it would probably hurt our ability later on possibly to get  
25 a full cleanup, basically because the agencies issuing the

1 money can say, well, we did a bunch over there and there are  
2 other people who really need it. So it would seem smarter  
3 to me to maybe wait one year and see if we couldn't get  
4 better funding. You know, everything may change, and we  
5 could get it from the Treasury, who knows. Things could  
6 change, you know, there could be the fund could come back  
7 and taxation of industry which is making this mess, you  
8 know. The money could come in from them to clean this up  
9 like they used to.

10 A lot of things can change, and we've already  
11 waited eight years to get this cleaned up, and it seems to  
12 me like what we really want is -- partial cleanup is okay,  
13 but included in that there needs to be a timetable with  
14 dates stating that this is part of the whole thing and that  
15 we're this whole cleanup, and we're doing this part here and  
16 then we're doing this part here and this part here and the  
17 dates on each thing so the community is ensured that they  
18 don't come back and say, well, we've spent a bunch of money  
19 on you, these people over here need it more so the other  
20 part never gets cleaned up. You know, and I think that's  
21 important and it's just a statement I wanted to make.

22 And then on the other question I had was on the  
23 comments, to mail your comment to Mr. Hodge at the address  
24 shown on the document here, the mailing address?

25 MR. HODGE: Both of our addresses and phone

1 numbers and e-mail addresses are on there and either one of  
2 those works.

3 MR. DOLEMAN: Now, it says the 26th of March.  
4 Now, does your comment need to be postmarked by that date or  
5 does it need to be received in San Francisco by that date?

6 MR. HODGE: A postmark by the end of the comment  
7 period.

8 MR. DOLEMAN: All right. Thanks, that all I had.

9 MR. HODGE: I think you were next, Fred.

10 MR. LEE: Fred Lee. Just a comment on your  
11 Superfund next steps. As I understand the situation, when  
12 you get to the final cleanup decision, there will be another  
13 public meeting where the public will have the opportunity to  
14 review this and comment on it?

15 MR. HODGE: Well, this is the main opportunity for  
16 official public comment on the proposed plan, and EPA is  
17 required to make a decision at some point, it is our  
18 responsibility to make the final decision. So at some point  
19 we will do that and we will write a Record of Decision. And  
20 we will, if there is enough interest, we would be glad to  
21 have another meeting and explain the Record of Decision.  
22 But at that point, it wouldn't be a comment period, it would  
23 be just to let you know what we did in deciding as a result  
24 of this process that we're conducting tonight.

25 MR. LEE: What if the public doesn't like what



1 you've decided?

2 MR. HODGE: Well, you know, someone has to make  
3 the decision, and since that is our responsibility, we will  
4 do it. We're trying through this process to make sure our  
5 decision incorporates all of the public's concerns and we  
6 will do that to the best of our ability.

7 Let's see, who was next?

8 MR. MILLER: My name is Michael Miller. I think  
9 what he was trying to say, but my question is do you know if  
10 it was AS-3 or AS-5, the arsenic?

11 MR. SETER: The data I saw, approximately 25  
12 percent arsenic-3 in water, 25 percent arsenic-3 in water,  
13 the remainder would be arsenic-5.

14 MR. BUNTE: It's a mix and it varies by source and  
15 it could be different for the adit, the levels. But it is a  
16 mix of both arsenic-3 and 5.

17 MR. MILLER: And someone asked about a pet survey.  
18 I did a pet survey on unfiltered mineralized water versus  
19 filtered water, and the cat that drank the unfiltered  
20 mineral water including the arsenic lived 22 years and the  
21 one that was drinking filtered water lived 16.

22 MR. SETER: There you go, thanks.

23 MR. HODGE: Did you give us your name?

24 MR. MILLER: Michael Miller.

25 MR. HODGE: Okay. I wasn't sure I got that. But

1 just as a reminder, if you can make sure that you state your  
2 name and address for the record, we would appreciate it.

3 MR. HOLDREGE: Tom Holdrege from Nevada City. You  
4 said you were going to make the final decision, but you  
5 still haven't gone through the approval process, the project  
6 through the regional board and EPSCM actually by itself or  
7 do you have to?

8 MR. SETER: It's not quite the same process, but  
9 we're required to have state concurrence. So, in other  
10 words, the state has to say yes and agree. And part of that  
11 process is the state/Superfund contract where we both agree  
12 the EPA is going to spend this, the state's going to spend  
13 this on the plan, and the state takes over on that.

14 MR. HOLDREGE: So it's not a technical review  
15 then?

16 MR. SETER: Well, they do -- they do -- they have  
17 been reviewing. They reviewed this document, the  
18 feasibility study and they're reviewing our proposal. And  
19 we're generally working with two agencies, which is the  
20 Regional Water Quality Control Board. The Department of  
21 Toxic Substances Control is technically the lead agency for  
22 the state, but we really need both of them to concur. We  
23 need to come to some resolution. So as part of that  
24 process, we will get comments from them and have some -- if  
25 we need to have some conversations, we will. But at some

1 point we need to come to agreement in order to fund a  
2 project.

3 MR. TOWELL: Just a little clarification too.  
4 When the Record of Decision picks the remedy, and the state  
5 needs to agree that that's an acceptable remedy, but then  
6 there's still the design process where, again, the state  
7 agencies will review the actual design.

8 MR. HOLDREGE: But does Toxic Substances actually  
9 get their toxicologists involved in reviewing what the  
10 health risks are associated?

11 MR. SETER: Actually, the Department of Health  
12 Services was involved. And I don't know if they agreed, and  
13 I may be mistaken to what degree the Department of Toxic  
14 Substances Control versus DHS, but we did have state  
15 toxicologists commenting on our risk assessment, and I think  
16 a fairly lengthy discussion, and I think we came up with a  
17 better document for it. So, you know, they are actually  
18 involved with it.

19 MR. HODGE: Sir.

20 MR. LEACH: Kyle Leach, Grass Valley.

21 And I was going to ask, was there any solubility  
22 testing done the material, the waste rock that's going to be  
23 capped and left in place, and if so, what methods were used?

24 MR. BUNTE: Actually, yes, we've done both the  
25 state and the federal standard tests, the PCLP, the control

1 threshold test, and that's the TLC is the state test. We,  
2 run both on the material and they passed. The numbers that  
3 we took there, I think one sample that was above one of the  
4 values, the state values, the TLC, and its duplicate sample  
5 was below. So for most of the tests, except for that one  
6 test, they were all below both federal and state levels.

7 MR. LEACH: Did you do an acid test?

8 MR. BUNTE: We have not, but all of the runoff  
9 from the site is neutral, although there is pyrite and  
10 sulfide, which would generate acid in the waste rock and the  
11 tailings. There is also certain minerals which buffer that.  
12 So there would be added discharge in the surface water but  
13 it's actually neutral runoff.

14 MR. LEACH: So you used a specific acid test?

15 MR. BUNTE: We didn't run those tests  
16 specifically. The neutral pH that I was referring to is the  
17 actual water at the site.

18 MR. LEACH: But the lab tests that you did for  
19 solubility, was that with the water soaking or was it the  
20 standard lab test?

21 MR. BUNTE: Well, the solubility test that we did  
22 were the PCLP and the SPLC, we did not run a PI water  
23 extraction.

24 MR. BRENNER: I got here kind of late, I don't  
25 know if this has been covered already, but I'm concerned as

1 a resident who lives on Lava Cap Mine Road, what are the  
2 alternatives and the impacts you identified to a private  
3 road?

4 MR. HODGE: I'm sorry, was that your comments?

5 MR. BRENNER: Well, I can make them more formal,  
6 if you would like. I left it open for discussion, however I  
7 can make that comment more formal.

8 MR. HODGE: So the question is what are the  
9 impacts to the road?

10 MR. BRENNER: No, what impacts have you, the EPA  
11 and whatever consultants you've hired, identified to a  
12 private road that is narrow, that is in a deteriorated  
13 state, that up to 40 families use for their only access in  
14 and out of your properties?

15 MR. SETER: In our proposal, we're actually  
16 identifying Tensy Lane as one of the access points. We're  
17 not talking solely about Lava Cap Mine Road. And, again,  
18 this is the reason for taking comments, is we're -- you  
19 know, I don't know that we've fixed on one access route  
20 solely, two access routes.

21 MR. BRENNER: So what you've really identified for  
22 certain are mitigation options in this proposal, but that's  
23 only part of the picture. I think you really need to  
24 consider the impacts to the residents along Lava Cap Mine  
25 Road, the fact that it is the only access. The talk in the

1 past for the preliminary investigation, the EPA used that,  
2 road without identifying it and we found out after the fact  
3 there was damage to the thin pavement sections that cannot  
4 sustain heavy truck traffic. School children use the  
5 intersection of Lava Cap Mine and Idaho-Maryland and Lava  
6 Cap for the school bus. So I hope you consider these when  
7 you identify your access alternatives.

8 MR. HODGE: That's exactly the reason we hold  
9 these meetings in theory. We're not perfect, we don't  
10 always think of everything. I don't want to put you on the  
11 spot, David, but when we costed out our options did it  
12 include some maintenance of the road?

13 MR. SETER: I asked that we include -- in some  
14 cases the road might need to be improved prior to traffic,  
15 and certainly if we have traffic crowding the road, in some  
16 cases there might need to be repairs done. And, again, we  
17 could probably get you more specific information on it, you  
18 know, I just don't have it committed to memory how much of  
19 that was included in this proposal. But that is something I  
20 have asked to be included.

21 MR. BRENNER: Okay. Another thing you need to  
22 consider is that the Nevada Irrigation District is  
23 considering that as a new pipeline alternative route. I  
24 don't know what the timing of these two projects are, but  
25 certainly, if they overlap, you would create even more of an

1 impact to the local residents.

2 MR. SETER: We have been in conversations with the  
3 Nevada Irrigation District. So, it's been a little while  
4 since we've had a coordination with them, but we do want to  
5 talk to them about how our projects relate to one another,  
6 and certainly we would be happy to do that. If anyone has  
7 any other information on how these projects are proceeding,  
8 they may want to clue us in and we would be happy to hear  
9 from them.

10 MR. BRENNER: Thank you.

11 MR. HODGE: Could you state your name for the  
12 record, please?

13 MR. BRENNER: Mike Brenner.

14 MR. HODGE: And you're on Lava Cap Mine Road?

15 MR. BRENNER: Lava Cap Mine, yes.

16 MR. FERNLEY: My name is Volker Fernley, and I  
17 live on 11915 Tensy Lane. One of the problems which has not  
18 been included in the report which you might consider upon or  
19 which is potentially a problem is the mosquito problems  
20 caused by the ponds and puddles in the Little Clipper Creek  
21 due to the tailings being washed down and blocking it  
22 partially and creating these puddles. Will you consider to  
23 direct the creek afterwards so that there is nothing  
24 blocking the natural flow?

25 MR. SETER: Part of designing that will be a

1 decision, and part of it will rely on a field decision on  
2 how much material you actually dig up. But we will have as  
3 part of the design how the creek will look after it's  
4 cleaned up, and so, again, we're going to look for input  
5 and comment and if one of the comments is there are ponded  
6 areas and if everybody agrees that those aren't a good  
7 thing, we'll certainly consider that in the designs. But  
8 we'll make sure that our design includes what the final  
9 routing is. And, again, we like to stay involved with some  
10 sort of public involvement process and how that will work  
11 for design, I don't know if it's through the TAG or  
12 individually, but certainly we would be happy to include the  
13 residents in the design process, looking over the plans and  
14 so on.

15 MR. HODGE: Yes, please.

16 MR. DYER: Jim Dyer, Tensy Lane.

17 We would prefer Option 3-4, it sounds good to my  
18 wife and I. With that, how long would that take to perform,  
19 do you have any timetable to that, an estimate of how long  
20 that would require?

21 MR. SETER: I'm going to ask my contractor to  
22 answer that.

23 MR. TOWELL: To implement that?

24 MR. SETER: Certainly no longer than one  
25 construction season, that would be done in one season, one



1 summer. I don't know one month, two months or three months  
2 or four months.

3 MR. BUNTE: I think at this stage as you just  
4 said, it would be done in a construction season, we haven't  
5 identified the specific duration for that, but that  
6 certainly won't run the one construction season.

7 MR. TOWELL: But it would be in the range of two  
8 to four months start to finish, it's a relatively small  
9 project there on Little Clipper in the area, and there's  
10 some implementation issues because of access and vegetation  
11 and stuff, but it's not a large project.

12 MR. SETER: It depends on how many trees we want  
13 to save, because some of the areas might be better to have a  
14 hand digging effort than machinery, so that would take  
15 longer.

16 MR. DYER: You also mention in here airborne  
17 contamination, and I was wondering what range you were  
18 considering, as far as 150 feet from Little Clipper Creek on  
19 either side of it, 200 feet? What did you consider to be a  
20 hazard in terms of range?

21 MR. SETER: Well, there are ways of controlling  
22 dust, and so when we're working with a material that's  
23 already wet, so there's a compromise between can you haul it  
24 wet or do you need to let it dry out first. So obviously to  
25 let it dry out there's more airborne contaminants. There's

1 ways of creating -- we would bring in construction barriers  
2 to try to minimize that. And it also depends on how windy  
3 the condition is. A lot of the work is back within the  
4 woods and there's very little of the work that has to be  
5 done closer to the residences. So I would say it's  
6 certainly less of an impact, less amount of material than up  
7 at the mine. There's less material to handle overall. So I  
8 don't know if you guys have anything to add, but there are  
9 ways to try and minimize that factor.

10 MR. BUNTE: It would be primarily keeping the  
11 material wet during construction to minimize the airborne  
12 releases.

13 MR. TOWELL: The reason that's highlighted is  
14 that's probably one of the key considerations on the impacts  
15 during construction because the material is so fine, and if  
16 it's dry, it can become airborne.

17 MR. DYER: Have you considered using slurry  
18 technology, instead of hand digging it out, using a slurry  
19 pump?

20 MR. BUNTE: In terms of the nature of the  
21 material, there are some difficulties in doing that. If you  
22 slurry it on one end, you have to dewater it on the other  
23 prior to shipment, and because this material is so fine and  
24 dewaterers so slowly, that becomes a much more complex  
25 operation in trying to do that. So there are approaches to

1 keep it as direct a method of excavating as possible.

2 MR. FERNLEY: I would just like to go on record  
3 that my wife and I also are in favor of 3-4.

4 MR. HODGE: I think you're next.

5 MR. HAUSSLER: Yes, my name is Doug Haussler and I  
6 live across the creek from Jim and Volker here, and I also  
7 like the idea of excavating during the spring when the  
8 stuff's wet and to keep the dust particulates at a minimum.  
9 And you guys are going to haul that back to the mine and cap  
10 it with the rest of the stuff up there?

11 MR. SETER: That's our proposal, yes.

12 MR. HAUSSLER: I like that idea. And I think that  
13 the people that are directly impacted by it ought to be the  
14 ones with the final say in it. I mean, you know, you're  
15 going to be motoring through their property doing this stuff  
16 and right alongside of mine.

17 MR. HODGE: How about if I finish working this  
18 way, since they have been waiting a while, then we'll move  
19 back the other way and do another pass.

20 MS. LEE: My name is Dixie Lee, we live on the  
21 third residence on the mine property. I would like to know  
22 what the difference in the level of arsenic is from down  
23 below the two other residences and the mine?

24 MR. HODGE: Do you remember off hand, Dave?

25 MR. SETER: I don't remember, it's considerably

1 lower. Those levels around some of the other residences  
2 were around 1,750 milligrams per kilogram, and --

3 MR. TAYLOR: So you're talking 17 parts per  
4 billion to --

5 MR. SETER: Closer to the background levels is  
6 what we consider in nonimpacted soil, which would be about  
7 20 milligrams per kilogram. I don't know if anyone else  
8 remembers their level, but I thought it was under a hundred.  
9 Is it close to a hundred?

10 MR. HODGE: Can you give him your name?

11 MR. TAYLOR: Tim Taylor, I live with Dixie Lee.  
12 We live in a residence on Lava Cap Mine.

13 MR. TOWELL: The soils around that residence were  
14 the highest one were between 100 and 200 parts per million  
15 and the other houses were above a thousand.

16 MR. TAYLOR: This is the soil or water or what?

17 MR. TOWELL: The soil, the surface soil.

18 MR. TAYLOR: Okay.

19 MR. TOWELL: And all the residences, as David  
20 mentioned, all of them are considered as part of the remedy  
21 and potentially would have soil removed around them.

22 MR. TAYLOR: Well, FYI for everybody here, EPA has  
23 paid off two people, two residences to move out to the tune  
24 of -- how many dollars, Don?

25 MR. HODGE: I think the first one was somewhere

1 around 20,000 and the second one was something like  
2 fourteen, but that's probably not exact.

3 MS. LEE: I also have another question. When they  
4 are digging up all of this, how are they going to keep the  
5 dust down around the residences there? I mean are they  
6 going to keep it wet all the time?

7 MR. SETER: That's where the difference between  
8 these two landfills comes into play. If we put a cover over  
9 the material where it is now, we have to move it less. If  
10 we build a new cell, just the amount of material that has to  
11 be picked up and hauled, it can't be hauled saturated, like  
12 it's so wet now, it's a slurry in itself. It would have to  
13 be dewatered, it would have to be dried out before it could  
14 be placed in a new landfill cell. So we were talking about  
15 striking a balance between having the material wet or dry,  
16 it would have to be a little bit drier for that purpose, so  
17 it is more likely the material would potentially blow  
18 around.

19 Now, again, there are ways of trying to control  
20 that, but that's one of our concerns about building a new  
21 cell. And sometimes when we do construction, we will  
22 temporarily relocate people living on the site and so they  
23 don't have to be there when construction is happening. That  
24 also means thoroughly cleaning up and covering all the  
25 tracks, if there is any dust, any material that's escaped,

1 cleaning that up. So I think that's as best I can answer  
2 that question.

3 MR. THURBER: Craig Thurber, 13717 Raccoon  
4 Mountain Road. I'm in Phase Two, I'm below Greenhorn there.  
5 My property is on sort of the confluence of Little Clipper  
6 Creek and Clipper Creek.

7 First, I want to commend you for using the  
8 terminology when you're going to clean up these properties  
9 of no land-use restrictions. And I want you to definitely  
10 keep that in mind when you move to Phase Two. In fact, I  
11 don't want to discuss anything else but that option.

12 And you answered quite a few of the questions.  
13 You know, just sort of back to reality of this really  
14 happening. Do you guys have sort of like a hazard rating  
15 system where throughout the United States there's all of  
16 these Superfund sites, a one through ten hazard, and is ours  
17 like a two where there's a lot of them that are eights and  
18 nines, because I'm really quite surprised that the money is  
19 even available to do any of this work.

20 MR. HODGE: When we list the site on what we call  
21 the National Priorities List, it has to meet a certain  
22 threshold in terms of endangerment of the people who live  
23 around it or the ecology of the site, otherwise, it doesn't  
24 reach Superfund level at all. Once sites are on the  
25 National Priorities List, we don't rank them, we don't have

1 a scale per se, but when we're ready to construct a remedy,  
2 we do have to propose our remedy to a panel that looks at  
3 all of the projects that are proposed across the country and  
4 prioritize them. It's called the National Prioritization  
5 Panel.

6 MR. THURBER: Sure.

7 MR. HODGE: And, you know, if we rank high enough  
8 at that time with all the projects that are proposed at that  
9 time, we will get funded. If they determine that the danger  
10 here isn't as extreme as it is somewhere else, we probably  
11 wouldn't get funded. It's hard to say what the outcome will  
12 be at that time, because it depends on what other projects  
13 are proposed.

14 MR. THURBER: So we really haven't got to that  
15 phase yet?

16 MR. HODGE: No. That would be after the design  
17 phase.

18 MR. THURBER: You've been in this business longer  
19 than any of the rest of us, I just sort of have a gut  
20 feeling that our problem compared to other problems is maybe  
21 not real high.

22 MR. HODGE: We'll see. But, you know, Rollins  
23 Reservoir downstream is a drinking water reservoir and to  
24 have that amount of tailings potentially moving downstream,  
25 moving its arsenic downstream into a drinking water supply

1 is not something we'd want to see happen.

2 MR. THURBER: Just one other question. The  
3 engineers considered possibly creating a slurry, a pipe  
4 system using the winter and finding old mine shafts and sort  
5 of putting it back in with a lot of added things to sort of  
6 bind up the arsenic, and so that would eliminate a lot of  
7 trucking and that sort of thing and it might take a few  
8 years. But it might be a cheaper remedy, because this  
9 community is a little bit like Paint Your Wagon, there's  
10 mineshafts under us, all of us, and most of us only own like  
11 a hundred feet down, the rest of it is still owned by mining  
12 companies and that sort of thing. Has that been considered  
13 or thought of?

14 MR. SETER: It might be mentioned in our -- we did  
15 some technology screening. I don't know, I know it's been  
16 floated before that idea, and there are a couple of  
17 difficulties. Putting the material back is a little bit  
18 difficult the way the shafts are constructed. It's a little  
19 bit harder to get the material back in. Second of all, you  
20 have to wonder what happens to it once it's back  
21 underground. I know that treating it would be too  
22 expensive, because treating it where it's in place now and  
23 solidifying it is already too expensive. So trying to treat  
24 it and put it down a mine shaft would definitely be too  
25 expensive. But then you still have to wonder where does the



1 material go. Once you put it underground, you still have to  
2 wonder what's going to happen with the water system, is it  
3 going to affect the water, the groundwater, and that's one  
4 difficulty that would have to be considered for that.

5 MR. THURBER: Add 25 percent concrete or something  
6 and bind it up.

7 MR. HODGE: Again, the purpose of this meeting  
8 tonight is to take all of these comments down, and as Dave  
9 was saying earlier, we will provide a response to comments,  
10 a written record of the comments and our responses when we  
11 produce our Record of Decision. So having worked this way  
12 once, why don't we move back the other way.

13 MS. DYER: I just wondered if you could or your  
14 contractor could give us a little more detailed description  
15 of how you do the cleanup of Little Clipper Creek, where the  
16 access would be and what the disruption would be to our  
17 lives during that period?

18 MR. SETER: Let me see if I can find the right  
19 graphic here. Actually, I don't have an overhead of the  
20 primary. On all of our design drawings, there is what's  
21 called a primary structure. Is it on this one?

22 MR. HODGE: It's on the board back there.

23 MR. SETER: Okay, I'm sorry. Okay, so what  
24 appears to be the best is to actually create a temporary  
25 road on the far side, the opposite side of Tensy, to carry

1 the material up back towards the mine. Now, I don't know,  
2 how much of it would then come back around to Tensy.

3 MR. TOWELL: That temporary road is just for  
4 access to get to the tailings, it would be dug up using some  
5 hand digging, some small machinery, some backhoe type of  
6 device, machinery, and then it would be trucked back up.  
7 And the current plan it would be trucked back up Tensy Lane  
8 on to the site.

9 MR. THURBER: Where is Tensy in relation to the  
10 end of Toby?

11 MR. SETER: Tensy is this black line connecting  
12 three one.

13 MR. THURBER: Yeah. But the immediate access, the  
14 closest access, wouldn't it be from the end of Toby Trail?

15 MR. SETER: No.

16 MR. THURBER: No?

17 MR. SETER: No. Toby trail is about a quarter of  
18 a mile.

19 MR. THURBER: Okay.

20 MR. HODGE: I'm sorry, could you state your name?

21 MR. HAUSSLER: Oh, I'm sorry, Doug Haussler. On  
22 this temporary road that you guys are proposing on cutting  
23 here on the other side of the creek, how would that route up  
24 the hill?

25 MR. SETER: I think what was -- it would basically

1 be to take it down this way.

2 MR. HAUSSLER: So you guys would actually carve a  
3 road up there, it's all forest right now, so you would  
4 actually cut a road through there?

5 MR. SETER: To get to the material on this side of  
6 Tensy, basically that has to be done. There is no way of  
7 getting in there to haul out that amount of material. So  
8 that's the question, what's the best alignments, and, again,  
9 I know that I would expect if I were a property owner, I  
10 would be inquiring about restoration, you know, once that  
11 road is finished, what happens to it.

12 MR. TAYLOR: There is an existing dirt road from  
13 the mine down to Greenhorn, you know, I can't tell you where  
14 it comes out exactly, I'd have to look at a map. But I  
15 happen to live on the property and I have driven it.

16 MR. DYER: you've driven it?

17 MR. TAYLOR: I thought it came out at the end of  
18 Toby, but it might be Tensy, yeah. That's probably it. I  
19 thought it was Toby.

20 MR. HAUSSLER: Well, it could be if you headed  
21 south.

22 MR. TAYLOR: I'm just heading from the mine  
23 straight down to Greenhorn there's a dirt road.

24 MR. HAUSSLER: There's lots of dirt roads.

25 MR. HODGE: Two things, one, you're right there is

1 a dirt road that comes out at the end of Tensy, and,  
2 secondly, just as a matter of procedure, it's really hard  
3 for the court reporter to take this down if we're all  
4 talking at once and we're not stating our names.

5 MR. SETER: I think these are good comments. If  
6 people have suggestions for routes that's great. This is  
7 again a proposal, and once we walk the area, if somebody has  
8 suggestions, you're certainly welcome to list them.

9 MR. HAUSSLER: Doug Haussler again. Yeah, I don't  
10 have any problem with them cutting a road there, I think  
11 it's on these guy's property, both Kirk and Ken's is  
12 actually where they would do that. I mean if they did it in  
13 a tidy fashion and didn't cut any of the tall trees, because  
14 it could stand a good cleaning down there by the creek.

15 MR. FERNLEY: My name is Volker Fernley. This is  
16 the beginning but I have a gate here so people don't drive  
17 into my well.

18 MR. DYER: What I'm thinking of is that the road  
19 goes down and there is a culvert where the creek goes under  
20 the road.

21 MR. FERNLEY: This is the culvert here.

22 MR. DYER: Okay, that's the culvert.

23 MR. FERNLEY: It comes to my driveway right down  
24 here.

25 MR. DYER: Okay. So that's just about where your

1 well and the road takes --

2 MR. FERNLEY: Yeah. And this is the road that  
3 just goes like this.

4 MR. HODGE: Let's see, I saw a hand over here.

5 MR. BOOKS: My name is Joe Books, 15800  
6 Greenhorn, on the bottom of the material here. I own six  
7 acres right down where that creek runs through. I like 3-4.

8 MR. HODGE: Okay, thanks.  
9 Fred.

10 MR. LEE: Fred Lee again.

11 One of the mandatory requirements for a decision  
12 in the Superfund is public acceptance. How do you plan to  
13 gain and assess the public acceptance?

14 MR. HODGE: First of all, I'm not sure about the  
15 term mandatory. It is one of the criteria that we consider,  
16 so it's mandatory in that sense and we're required to  
17 consider it and we do take it serious. But there are always  
18 a lot of different interests and a lot of different opinions  
19 on every project that we do. And so we're often faced with  
20 the issue of trying to balance. Again, as I said, somebody  
21 has to make a decision at some point, and we will  
22 incorporate the concerns that we hear at this meeting and  
23 other comments that come to us through other means into the  
24 decision-making process. You know, that's what we are  
25 committed to doing. And hopefully, through that process, we

1 will come up with a result that the public can accept.

2 MR. SETER: I have something to add, and we're  
3 always looking for ways, and what is the best way of  
4 incorporated public comments. So we have, and this is a  
5 formal process we're required to have here and we're  
6 required to take comments at this hearing, and there is a  
7 TAG, there is the committee, and we hired a technical  
8 advisor to give us inputs. But we're always looking for  
9 other ways, are there better forums, are there smaller  
10 groups, we want to work with who are more directly impacted.  
11 We're always looking for suggestions. And we're willing to  
12 accommodate other requests. This is just the formal process  
13 that's been set up that we have to do, and this is one  
14 aspect of that. We're willing to do other things to try to  
15 incorporate comments. So if there are any suggestions along  
16 those lines, we'd like to take them into consideration, if  
17 you can think of a better way to get us input, I'm open to  
18 that.

19 MR. YOUNG: Byron Young, Tesla Place.

20 Every few years an owner or somebody pops up with  
21 the idea of reopening the mine. Are there legal  
22 implications as a result of this program that affect that in  
23 any way?

24 MR. SETER: Yes. Just as I mentioned that in  
25 dealing with the residents and dealing with the creek down

1 near Greenhorn, we don't want land-use restrictions that ,  
2 have too much imposition. When the tailings stay in place  
3 and where the adit is located, our intention is to have  
4 land-use restrictions to say there are only certain uses for  
5 this property. Now, in some cases, you know, the preferred  
6 way of getting that is to get a voluntary agreement with the  
7 property owner, and there are other ways of doing it if  
8 there is no voluntary agreement. But that's one exception  
9 to what I mentioned before about land-use restrictions, we  
10 do that to intend to restrict the way the property can be  
11 used. And I think opening the mine would certainly be one  
12 of those land-use restrictions.

13 MS. JONES: I'm Sharon Jones from the TAG  
14 Committee.

15 I put a yellow piece of paper out there, an e-mail  
16 sign-up list. If you want to be notified by e-mail of any  
17 communication between the EPA or between Fred and us or  
18 whatever, I can put you on the list and then we'll forward  
19 it to you. So if you would, just put your e-mail. And  
20 write it very clearly, because I noticed there's one e-mail  
21 out there that I couldn't read. So be sure you write it  
22 clearly enough so we can contact you.

23 MR. HODGE: That's a good point. We have our  
24 sign-up sheet out there also, and we do ask for e-mail  
25 addresses. But our standard method of communication is by

1 mail, unless we have specific needs to contact specific  
2 groups of people and we sometimes use e-mail for that. But  
3 Sharon's list is for a different group and a different  
4 purpose.

5 MR. DOLEMAN: Will Doleman, ACFWS, Greenhorn Road.  
6 Yeah, I think the plan is very well written up from what I  
7 can see, and I guess we would probably prefer 3-4 it seems  
8 like the better for very little difference in money. The  
9 thing where it's lacking to myself and my mom, I talked to  
10 her about it, is that this is a very incomplete proposal.  
11 You're only talking about cleaning up a very small portion  
12 tonnagewise of the contaminated soil, because a lot of it is  
13 in Lost Lake. And more people live around Lost Lake, a lot  
14 of people live around Lost Lake, and you've only got four  
15 people living up at the mine.

16 We really think that we ought to just go with the  
17 whole proposal, the whole thing, and they can take it or  
18 leave it. But to do just part of it undermines our ability  
19 to do the whole thing. And we feel like we ought to just go  
20 for broke, we ought to go for the whole thing and we  
21 shouldn't just say that we should just do part of it. And  
22 the time scale, we could do one this season and one next  
23 season, but there ought to be agreement from up front that  
24 we're going to do this whole thing, that we're going to  
25 clean all of it.



1 MR. HODGE: That's probably a bigger issue that,  
2 we'll have to take back to the office and work on. Again,  
3 there will be a written response on the issues raised, but  
4 we might have to take that one under advisement.

5 Any more?

6 MR. TAYLOR: Yeah, one. I would like Alternative  
7 1-0, it's not really mentioned, but that's to do nothing.

8 MR. HODGE: This is Tim Taylor.

9 MR. TAYLOR: My name is Tim Taylor, I live on the  
10 mine site.

11 Arsenic is a naturally occurring mineral in soil  
12 and it's something that happens when mining happens, and,  
13 you know, we buy property up here in the Sierras, and you  
14 kind of get what you pay for. And that's to do nothing.

15 MR. HODGE: Just to make sure I'm understanding,  
16 so your preferred alternative is to do what?

17 MR. TAYLOR: Well, it's to do nothing.

18 MR. HODGE: Just to do nothing?

19 MR. TAYLOR: Just to do nothing.

20 MR. HODGE: As Dave mentioned earlier, once we did  
21 our risk assessments and determined that there is some risk  
22 that's above our threshold to take action, we really can't  
23 just turn our back and walk away from it.

24 MR. TAYLOR: I understand. Where does it stop,  
25 Don?

1 MR. HODGE: Yes, I would agree that there are  
2 potentially other sites like this that have not reached the  
3 Superfund list and may never reach the Superfund list, but  
4 since we are here working on this one, it's our intention  
5 now to follow it through and make sure that we have done our  
6 job.

7 MS. LEE: I have one. I mean after the funding,  
8 when would they start digging up at the mine and doing the  
9 work there, what timeframe, how long?

10 MR. SETER: Or for digging up soil around the  
11 residences?

12 MS. LEE: Yes.

13 MR. SETER: Again, it's similar to down at the  
14 creek, and it's probably even a little less complicated,  
15 because you're probably talking a smaller amount of soil.

16 MR. TAYLOR: So two to three years before --

17 MR. SETER: Oh, I'm sorry, before we even start  
18 work?

19 MS. LEE: Yes.

20 MR. TAYLOR: Yes.

21 MR. SETER: We're hoping to be in construction  
22 next summer, that's our current plan.

23 MR. HODGE: And obviously we wouldn't -- you know,  
24 we're not just going to move in with trucks and backhoes  
25 without talking to you folks first.

1 MS. LEE: Well, my grandkids won't be there next  
2 summer.

3 MR. HODGE: One more question over here.

4 MR. GRANT: Jerry Grant, Alder Point. Just for  
5 the record and for everybody else, I would like to reiterate  
6 a little bit of what Will is talking about. I think that if  
7 you present the project as phase one of a total project, it  
8 feels better, at least for us and I think for a lot of  
9 residents who are involved down south of Greenhorn. Because  
10 this proposal makes everybody else feel like they're some  
11 lost children. So I highly encourage this as a phase one of  
12 a total project and not just a -- because this sounds like  
13 this is being presented as a project and then you're going  
14 to close down.

15 MR. FERNLEY: Volker Fernley. If you want to  
16 protect Rollins Lake, it would make no sense if you only do  
17 the upper part.

18 MR. HODGE: Maybe as a point of clarification,  
19 when we divide a Superfund site up into different projects,  
20 or alternatives as we call them in Superfund-speak, it  
21 doesn't mean that we will only do one and not do the rest.  
22 It's just a way of managing the site a little bit better.  
23 So if you look at the entire site, to do this upper unit  
24 first, is in effect phasing the entire site. But there are  
25 considerations that would speak to what you guys are

1 suggesting. And as I said, we'll have to take that back to  
2 the office and kick that around a little bit.

3 Well, if there are no other questions or comments,  
4 let me just remind you that if you think of anything after  
5 this meeting, and this is not necessarily the end of this  
6 process, there are 28 or so more days of the comment period,  
7 we welcome comments in any form, you can call us up, write  
8 us, e-mail us, and all that information is on the fact  
9 sheet. So if you have any questions about the process, just  
10 give us a call. Thank you for coming tonight.

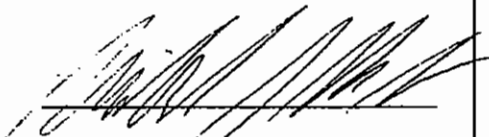
11 (Thereupon the public hearing  
12 was adjourned at 8:50 p.m. on  
13 February 26, 2004.)  
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## 1 CERTIFICATE OF SHORTHAND REPORTER

2 I, MICHAEL J. MAC IVER, a Shorthand Reporter, do  
3 hereby certify that I am a disinterested person herein; that  
4 I reported the foregoing Environmental Protection Agency  
5 proceedings in shorthand writing; that I thereafter caused  
6 my shorthand writing to be transcribed into typewriting.

7 I further certify that I am not of counsel or  
8 attorney for any of the parties to said Environmental  
9 Protection Agency proceedings, or in any way interested in  
10 the outcome of said Environmental Protection Agency  
11 proceedings.

12 IN WITNESS WHEREOF, I have hereunto set my hand  
13 this 12th day of March 2004.

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19 Michael J. Mac Iver  
20 Shorthand Reporter  
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23  
24  
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